

To the RIGHT HONOURABLE
W I L L I A M P I T T,

First Lord of the Treasury, &c. &c. &c. and



The RIGHT HONOURABLE

The MARQUIS of CARMARTHEN, one of
his Majesty's Principal Secretaries of State, &c. &c. &c.

The MEMORIAL of the COMMITTEE of MERCHANTS,
interested in the Trade between the Dominions of Great
Britain, and the United States of America.

AT a General Meeting of the Merchants and Traders interested in
the American Commerce, summoned by publick notice, and held at the London
Tavern, March the 21st, 1783, it was resolved, "that a Committee, consisting of
" *Twenty-four*, be appointed to attend to such regulations as might be proposed, for
" restoring the Commercial Intercourse between Great-Britain and North-America."

In consequence of that appointment, the Committee have presented to his Majesty's
Ministers, under different administrations, observations on the trade which formerly
subsisted between Great-Britain and those parts of North-America now composing
the United States; and submitted such regulations as appeared to them proper, for
the recovery and preservation of a considerable part of that commerce. The Com-
mittee have also met from time to time, to consider the operation and tendency of
such acts and ordinances as have been passed, in any of the said states, either to ob-
struct the restoration of such intercourse, or to violate those rights which were
intended to be secured to British Creditors, by the Treaty of Peace. In the pre-
sent critical situation of the concerns of the British Merchants in, and their commerce
with, North America, the Committee think it incumbent on them, to lay before his
Majesty's ministers, a summary view of various laws passed in the different States,
with such other matters as have come to their knowledge, affecting the Property,
Navigation, and Commerce of his Majesty's subjects.

NEW

N E W H A M P S H I R E.

ON the 25th of March, 1782, an act of the Assembly of this state was passed entitled, "An act for confiscating the estates of sundry subjects of this State, and of the other United States of America, who have, since the commencement of hostilities between Great-Britain and the United States, gone over to the enemy: also, the estates of the subjects of the King of Great-Britain, lying within this state," in which is the following clause:

"And be it further enacted, by the authority aforesaid, that all the goods, chattels, rights, credits, lands and tenements, which the persons above described were possessed of, or entitled to possess, hold, enjoy, or demand, in their own right, or which any other person stood or doth stand possessed of to their use, shall escheat, enure, and accrue to the use and benefit of the government and people of this state, and are accordingly hereby declared to be forfeited and escheated, as aforesaid."

The act also states that appeal may be had to the superior court, and in case of the judgment of that court for forfeiting such estate, or of any inferior court where trial has been had, and no appeal made, such judgment shall be final and conclusive.

Although by the treaty of peace it was stipulated, that it should be recommended by Congress to the different states, "that all British property should be restored," it does not hitherto appear, that any thing has been done in this state, in consequence of such recommendation, nor that the foregoing act has been repealed.

By another act of this state, passed in June, 1785, vessels owned in whole or in part by the subjects of Great-Britain, are prohibited from taking on board any goods or merchandize, of the growth, manufacture, or produce of this or any other of the United States; and British ships found so loading, are, together with their cargoes, subjected to seizure and condemnation. The same act lays a duty of six-pence per bushel, lawful money, equal to four-pence halfpenny sterling, on salt imported in ships owned, either in whole or in part, by British subjects.

M A S S A C H U S E T S B A Y.

An act of the legislature of this state, passed in July, 1784, imposes a duty of five per cent. ad valorem, on a variety of articles.

Another act passed in July, 1785, to take place the 1st. day of August following, lays an additional duty, amounting on many articles to a prohibition.

Although the duties imposed by the foregoing acts, appear to affect foreigners in general, except in a few particular instances, yet they are manifestly pointed at the manufactures of this country, and evidently intended to operate as a restraint on its commerce. On the article of cordage, if of *British* manufacture, a duty of six shillings sterling per cwt. is laid: if of other foreign manufacture only half that sum.

By another act passed in this state in June 1785, a duty of 4¹/₂d. sterling per bushel, was laid on salt imported in ships owned in whole, or in part, by the subjects of Great-Britain. This act also prohibits the exportation of goods or merchandise the growth or produce of the United States, in ships owned in whole, or in part, by subjects of Great-Britain, after the 1st. day of August, 1785, and subjects them to forfeiture, together with their cargoes, if found taking on board the said goods or merchandise. It also confines the entry of British ships to three ports, viz. Boston, Falmouth in Casco-Bay, and Dartmouth; and subjects them to seizure, if found discharging their cargoes in any other port of the state.

By another act of this state, passed the 9th of November, 1784, the justices of the courts of judicature were directed severally, to suspend rendering judgment for any interest that might have accrued between the 19th of April, 1775, and the 20th January, 1783, on debts due to British subjects.

This act is peculiarly severe on the British subject, against whom it is expressly pointed: the demand of interest is called "inequitable and unjust," and the legislature of this state "conceive

"conceive it to be repugnant to the spirit and intention of the 4th article of the treaty of peace, which," they say, "provides only for *bona fide* debts." The act states, that "the legislature have taken measures to obtain the sense of congress upon this article," but the committee have not heard that any opinion has been given thereon.

R H O D E I S L A N D.

In addition to an act passed in June, 1783, by the legislature of this state, laying an impost of two per cent. ad valorem, on certain enumerated goods and merchandize, another act was passed in June, 1785, imposing an additional duty on a great variety of articles, chiefly British, on many of which the impost amounts to a prohibition.

Another act passed by the legislature of this state, to take place on the 15th of September, 1785, prohibits the exportation of any goods or merchandize, the growth, manufacture, or produce of this or any other of the united states, in any ship or vessel, belonging either in whole or in part to *British* subjects; and that ships so loading the produce, &c. of the states, shall, together with their cargoes, be seized and forfeited. The same act imposes a further duty of seven and a half per cent. ad valorem on all goods imported into this state; and five shillings per ton on every ton the ship or vessel may measure, over and above all former duties; and 4d. per bushel on salt imported in British vessels.

N E W Y O R K.

By an act passed in this state, the 12th of July, 1782, British creditors are precluded from the claim of interest on all debts contracted before the 1st of January, 1776, until after the 1st of January, 1783; and executions for the principal of those debts are forbidden to be levied till the expiration of three years after the evacuation of New York.

By another act passed the 17th of March, 1783, and confirmed by others in 1784 and 1785, those Americans who had abandoned their possessions in New York upon its capture by the British troops, and resided without the lines during the war, are enabled to bring actions of trespass for rents, &c. during their absence, against the persons who had occupied their premises, whether under the authority or permission of the British commander or otherwise, and who by this act are precluded from pleading "any military order whatsoever in justification of their occupancy." It also authorizes the sequestration of the estates of British subjects, lying in that country, for their conduct during the war.

By virtue of this law, actions for claims to an enormous amount were immediately instituted against British subjects, who relying implicitly on the treaty of peace, and the faith of nations, were encouraged to remain in New York upon its evacuation, for the purposes of collecting their debts, and settling or extending their commercial affairs: and in cases where those who had occupied the premises were not to be found, the demands were made on the lodger, the late servant, or the agent of those occupiers. These suits have been prosecuted with the utmost severity, and being determinable by juries of interested men, as well as conformable to the above mentioned statute, it is no wonder that verdicts for exorbitant rents and damages have in every instance been found against the defendants.

The next law that falls under the notice of the committee, contains a requisition in the form of a personal tax, made by this state, the 6th of May, 1784, of 100,000l. currency, from those persons who resided in New York and its dependencies, during their subjection to the British forces, and who remained there after the evacuation, in aid of the late war, and, as the preamble states, as a "compensation for enjoying the blessings of freedom and independance." From this contribution the American exiles, who had been without the lines, were expressly exempted. The enforcement of this act was suspended for some time; but in 1785 it was levied in an arbitrary and in many cases in a very inequitable manner: the quantum each person was to pay, being left by the act to the discretion of the assessors, who, having all been exiles, could scarcely be expected to do strict justice to persons who had lived under the protection of, and shewn an attachment to, the British government.

On the 4th of May 1784, the legislature of this state in consequence of the order of the King in council prohibiting an intercourse between the United States and the West India Islands,

Islands, except in British bottoms, impowered Congress to prohibit the importation of British West India produce into the United States in British vessels; assigning as a motive for this act, that "Great Britain exhibits a disposition to gain partial advantages injurious to the rights of free commerce, and repugnant to the principles of reciprocal interests and convenience."

Within the State of New-York, very few of the estates confiscated during the war had been sold, when the preliminary articles were signed; laws for the speedy sale of all such property were notwithstanding passed the 6th of April, and the 12th of May, 1784, and confirmed the 5th of April 1785. The committee consider this law as a breach of the 6th article of the treaty of peace.

An act, intituled, "The new impost law for New-York," was passed the 18th of November, 1784, and considerably enlarged the 15th of March, 1785. This law, as it now stands, is directly pointed against certain British manufactures, and against British ships in distinction from all others: for it enacts, that the cargoes of *British* ships, in every case, shall be subjected to *double* the duties imposed on those of other nations; and burthens British manufactures with specific taxes, which amount nearly to a prohibition, especially if imported there in *British* bottoms.

P E N N S Y L V A N I A.

This State has violated the fourth article of the definitive treaty, by passing a law soon after the peace, to restrain the recovery of the old debts for a given period. The British merchants were in consequence thereof set at defiance; and few instances exist of payment having been made for any debts contracted before the war. This law was limited to September, 1784; but whether it has been further extended by any new act, or whether it expired at that time, the committee are not certain. This law, operating with the fears and prejudices of some of the inhabitants, has produced effects of the most mischievous consequence to the British merchants: for not only an uniform opposition has been made against the payment of interest, but the lawyers, dreading the resentment of some of the most violent amongst their countrymen, have refused to engage in the recovery of these unpopular demands, and the committee are well assured that not one action for the payment of an old British debt has been prosecuted in this state.

By an act of the 24th of November 1784, this state invests Congress with a power for fifteen years, to prohibit the importation or exportation of all merchandize in vessels belonging to, or navigated by, the subjects of any power with whom Congress shall not have formed treaties of commerce; also to prohibit the subjects of such foreign states from importing into the United States any goods, wares, or merchandize, nor the produce or manufacture of the state of which they are subjects; provided Congress has the assent of nine states to carry such act into execution.

By an act of the 20th of September last, this state has imposed a duty of ten per cent upon many articles; among which are all manufactures of tin, lead, pewter, copper, brass metal, British steel, and cast iron; also the enormous tonage of *seven shillings and sixpence per ton for each voyage*, upon the shipping of every nation with whom Congress has not entered into treaties of commerce: which appears evidently to strike at the navigation of this country.

VIRGINIA, MARYLAND, and NORTH-CAROLINA.

The merchants interested in the trade to these states, having already, by their Chairman, presented their Case and Memorial to the Right Honourable the Marquis of Carmarthen, respecting their situation as to the debts due to *them*, previous to the *late war*, and the hardships they experience from the infraction of the 4th article of the definitive treaty, the committee refer thereto, and beg leave to add the following information:

In the state of Maryland, by an act passed in November 1784, a duty was imposed upon all foreign shipping, except British, of one shilling per ton, and upon *British* bottoms of FIVE SHILLINGS per ton.

At the same time a duty was laid on all goods imported into that state of two per cent. on the value; but if imported in *British* bottoms, a double duty, or four per cent.

S O U T H



S O U T H C A R O L I N A.

After Congress had ratified the definitive treaty of peace, they recommended a due observance thereof to the different states, and the assembly of South Carolina resolved to carry the said treaty into execution, "*sincerely, strictly, and compleatly*," but regardless of those resolutions, and in contravention to the treaty, the legislature passed an ordinance the 26th of March, 1784, declaring, among other things, that "no suit should be instituted for any debt contracted by any citizen of the United States, previous to the 26th of February, 1782, until the 1st of January, 1785, when the interest *only* which had accrued since January 1780, might be recovered."

"And on the 1st of January, 1786, one fourth part of the principal, and all such other interest as might be then due."

"On the 1st of January, 1787, one other fourth part of the principal, and the interest which shall have accrued."

"On the 1st of January, 1788, one other fourth part of the principal, and the interest accrued thereon."

"And on the 1st of January, 1789, the ballance which may then be due."

By this ordinance, debtors are judicially protected from suits brought at the instance of their creditors, who are chiefly British merchants; and so great and general are the obstructions to the recovery of debts, that in several districts remote from Charles Town, the courts have been prevented, by tumultuous and riotous proceedings, from determining actions for debt.

By the delay thus occasioned, the property of the British merchant becomes every day more precarious; his credit and fortune are materially injured, and in many cases, totally destroyed.

To prevent the operation of the act before-mentioned, in cases where it impowers creditors to sue for one fourth part of the principal of a debt on the 1st of January, 1786, an act was passed by this legislature, the 12th of October 1785, intituled, "An act for regulating sales under execution, and for other purposes therein mentioned;" whereby a debtor, during any period of a suit that has been, or may be, commenced, is allowed to tender land in payment of his debt; such land to be appraised by *three citizens of the county or parish where it lies*, who are authorized to value it as if sold at a credit of six months; the creditor is then obliged to take the land at three fourths of the value at which it is so appraised.

By the same law it is further enacted, "that no creditor shall bring any suit for debt, until he make application in writing *from himself* to his debtor for payment." This act seems calculated to cut off all possibility of non-resident British creditors commencing a suit. The *proviso* that he must write *himself* to his debtor, is considered as an insurmountable obstacle in his proceedings, as he must meet with innumerable difficulties in proving the delivery of his letter to a debtor, who may reside in the interior part of the state. Where this difficulty does not exist, the creditor must either drop his action, or run the risk of having property of little or no value, bordering perhaps on the Indian country, forced upon him, which, if sold for cash, would not produce one tenth part of its appraised value.

Another instance of the violation of the fourth article of the treaty, which provides "that creditors on either side shall meet with no lawful impediment to the recovery of the full value in *sterling money* of all *bona fide* debts heretofore contracted," arises from the payment of debts to British subjects; in depreciated paper currency, which was forced into circulation during the war, and *made a legal tender according to its nominal value*, by the then government. The depreciation became so great, that debtors, by such unjust tenders, did not pay one shilling in the pound; and where they plead those payments or tenders, in bar to the demands of their British creditors, such creditors are proportionably defrauded of their property.

The 5th article of the treaty stipulates, "that persons of certain descriptions shall have free liberty to go to any part of the united states, to obtain the restitution of their rights" and

"and properties:" this article has been grossly violated in this state; for though such persons were permitted to go thither, yet the purposes for which they went were frustrated; a suspension of the course of justice: for they were compelled to depart by a publick notification from the governor, and to abandon their property, under the aggravating reflection of having been at considerable expence, both of time and money, in a delusive pursuit; and having also experienced great personal insults and abuse during their continuance in the state.

Several British merchants who had sold goods in Charles Town, while in possession of his Majesty's troops, were obliged to accept houses and lands in payment of debts. After its evacuation an act of confiscation was enforced, which, though not passed till the 26th of February 1782, had retrospect to the 4th of July 1776; houses and lands, then the property of persons in purview of the act, (but which had undergone many changes) and actually belonged to British merchants when the act was passed, were sold by the commissioners of confiscated estates in June 1784, without any regard to their claims founded upon the 5th and 6th articles of the treaty of peace. The property was sold at a credit of five years, and state indents were to be received in payment. In case the state of Carolina should comply with the 5th article of the treaty, it has been suggested that the claimants will be paid in such state indents, which are already depreciated 50 per cent. and it is apprehended may at the end of five years be so reduced in value, that creditors of this description will not receive one shilling in the pound of their demands.

The 21st of March 1784, an act was passed, authorising Congress to restrain the trade from the British West Indies, similar to that passed at New York the 4th of May 1784 with the like *Proviso*, that it should not be in force until all the states in the union should have vested Congress with similar powers.

The 26th of March 1784, an act was passed, laying certain duties on goods imported into the state of South Carolina, whereby brown or clayed sugars from the dominions of France, Spain, Holland, Denmark, and Sweden are charged with a duty of only 1s. 6d. per Cwt. whereas the same articles from *British* plantations are charged with a duty of 2s. per Cwt. which is an advance of 33 per cent. on the duty paid by France, &c. Refined sugars from the dominions of France, Spain, &c. are charged with a duty of 4d. per pound *only*, whilst *double* that duty (1d. per pound) is charged on the same article imported from the *British* dominions, which is an advance of cent. per cent. upon the duty paid by France, &c.

It is also necessary to observe, that the decisions of the board of police, established under the King's government, in Charles-Town, however equitable, have been set aside *since the peace*. British subjects have been deprived of their property purchased under its process, and cast in excessive damages and costs, for no other cause, than having brought actions therein for the recovery of debts, even where the defendant had confessed judgment, and when both plaintiff and defendant were British subjects.

Suits have been instituted against several persons for the rent of houses which they had occupied in Charles Town, under the authority of his Majesty's commanders, to whom they had paid rent for the same. In all these suits the courts have adjudged that the rents should be paid a second time with costs.

In like manner agents and vendue masters, employed in the sale of vessels, regularly condemned in his Majesty's Vice Admiralty Court, have had vexatious suits instituted against them by persons who owned the property at the time of capture, notwithstanding such sales were conducted according to regular usage in the case of all prizes; and the defendants have been adjudged to pay to the plaintiffs the estimated value of the property captured.

GEORGIA.

Laws and regulations similar to those which have passed in South Carolina exist in this state, with degrees of peculiar and manifest aggravation: the judges from the bench having declared that no suit shall be proceeded on if brought by a British subject; while on the contrary, they allow British subjects to be sued by their creditors.

IN

IN ADDITION to the foregoing recital of the various acts, prejudicial to the interests and commerce of Great Britain, which have been passed by the different States of America, the committee beg leave to observe, that on the 22d of April last, Mr. John Hancock, with many other merchants of Boston, petitioned Congress on what they term "the alarming state of their commerce with Great Britain," and requested the immediate interposition of such powers for its relief, as Congress was *then* invested with, asserting, "that the *ships* and *commodities* of *Great Britain* were received into their ports under the *same* advantages with their *own*, whilst *their* navigation was discouraged by every possible embarrassment, and *their* exports either *prohibited*, or, if *admitted*, loaded with the most *rigorous exactions*." In proof of which, they complain of the duties laid by Britain upon oil, rice, and tobacco, and then add, "it is unnecessary to multiply examples, when the staple productions of every state feel alike the baneful influence of such regulations." They conclude, by requesting that the numerous *impositions* of the British on the trade and exports of their States may be forthwith contravened by similar expedients on their part.

On the same day they addressed a circular letter to all the sea ports of the United States, to urge their making immediate application to their assemblies to invest Congress with powers competent to regulate the internal as well as external commerce of all the States, to contravene the effects of the British Act of Navigation, "by which" they add, "we are left in COM-MON WITH OTHER ALIENS, to the most rigorous restrictions upon our trade."

As the committee presume that the said application to Congress, and circular letters to all the States, contain the sentiments of a great part of their merchants upon the interesting subject of this Memorial, they think it incumbent upon them to state, by way of contrast, the actual, though different situation of the trade and navigation of each nation.

According to the present regulations in both countries,

AN AMERICAN is protected in his property by our laws. All our courts are, and always have been, open to him for the recovery of *any debt*, as well *interest* as *principal*.

A BRITISH MERCHANT is in some States positively, in others virtually, prohibited by their legislatures from recovering his property, which is a violation of the 4th article of the treaty of peace. In several states, judgment for interest for more than seven years is actually suspended by law; whilst in others, although the courts appear to be open, the lawyers are afraid to prosecute for British debts. Those creditors are deemed fortunate, who, upon giving up all *claim to interest* (which is equal to thirty, and in some instances to forty per cent.) can obtain security for the payment of the *principal*.

American ships are received into all the ports of Great Britain upon the same conditions, restrictions and imposts as are common to all *aliens*.

British ships are in many states subject to *excessive duties of tonnage*, over and above those paid by other foreign nations in the ports of America.

BRITISH MANUFACTURES are, in some states, loaded with duties, so *partial and excessive*, as in many instances to be altogether prohibitory; whilst in others *all merchandise* whatever, imported in *British* bottoms, is subject to *double* duties.

BUT

AMERICAN PRODUCE pays no duties but in common with other aliens. And

Pitch and tar are admitted into Britain upon the same duties as from our own colonies, which are lower than those imposed upon these articles from the Baltick, by 1s. 4d. per Last, and from France of 27s. 6d. per Last. Turpentine from the British plantations, the United States, and the Baltick, pays a duty of 2s. 2d. per cwt. but from France 3s. 8d. per cwt.

American pot and pearl ashes are admitted *duty free*, whilst those articles pay 2s. 2d. per cwt. if from Europe.

Unrated

Unrated Woods of the growth of the United States of America are admitted *duty free*: all other aliens pay 35 per cent. upon the value.

Deals, the growth of the United States, are admitted *duty free*, whilst all other aliens pay 35s. duty upon every 120 deals.

Small staves are subject to a duty of about 7s. per m. and hoghead and pipe staves of about 22s. per m. whereas if of the growth of the United States they are admitted *duty free*.

2 Skins and furs of all kinds, are admitted under the same duties as those from *our own colonies*.

On rice no greater duties are paid than heretofore, except the last three five per cents. amounting only to 1s. upon 6s. 4d. which were imposed before the peace, and, with the whole of the duty, is drawn back upon exportation.

No duty is paid on Tobacco, unless sold for home consumption.

American naval stores, lumber, live stock, and all live provisions, flour, bread, wheat, and other species of grain, are admitted into our West-India islands: which, though confined to British bottoms, is an indulgence not allowed to any other foreign nations.

The subjects of the United States of America may import any unmanufactured goods or merchandize, the importation of which into this kingdom is not prohibited by law (except oil), and any indigo, masts, yards, and bowsprits, being the growth of the United States, upon payment of the same duties as from *our own colonies*.

Having thus briefly stated the many grievances under which the merchants of Great Britain, interested in the commerce with America, labour from the operation of laws passed in different states, repugnant to the treaty of peace, the committee beg leave to submit to the consideration of his Majesty's Ministers, the necessity of adopting effectual measures for their relief. This branch of commerce, however embarrassed at present, as well by unjust restraints as by partial and heavy duties, may eventually prove highly beneficial to this country, by the preference given to its manufactures, when the merchants are assured of that security and protection which are essential to its preservation.

At a Committee, the 21st of January, 1786.

Edw. Payne, Chairman

Commerce with America.

BRITISH MERCHANTS

COMMITTEE

MEMORIAL

Unrated

